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particularized, are separated, by any method of selection, from the whole class to which the law might, but for such limitation, be applicable."

3. "A local law is one whose operation is confined within territorial limits other than those of the whole State or any properly constituted class of localities therein."

It would be difficult to find any State wherein the courts have held to these distinctions. Pennsylvania alone might offer some classical contradictory examples.

Perhaps the most valuable portion of the book, both as regards treatment and results, is to be found in Chapter III, which treats of the question of "*Classification*," its limits and justification. While in no way treating this question from a purely subjective standpoint, the force of Mr. Binney's illustrations shows conclusively how futile are the efforts of those who are anxious to restrict in every possible way the classification of cities by the State Legislature. The five rules which the author lays down for such classification, while not upheld in their entirety by our courts, are notwithstanding excellent guides to the almost inextricable mass of legislation whose special or general character is a matter of doubt. These rules are:

"All classifications must be based on substantial distinctions; it must be genuine to the purpose of the law; it must not be based on existing circumstances only, or those of limited duration, except where the object of the law is itself a temporary one; the law must apply equally to each member of the class except only where its application is affected by the existence of prior unrepealed local or special laws; and, finally, if the classification be valid the number of members in a class is immaterial."

The last chapter of the book, which treats of the restrictions actually in force in the several States, forms an excellent summary of the constitutional provisions relating to this subject. The book, as a whole, throws a great deal of light upon our scheme of government. It shows us that the interpretation of State Constitutions and legislative enactments, while not offering all the charm and fascination which surrounds the great questions of federal interpretation, affects more closely the average citizen in his routine of daily life.

University of Pennsylvania.

L. S. ROWE.

The First Stages of the Tariff Policy of the United States. By WILLIAM HILL. Pp. 162. Price, \$1.00. Publications of the American Economic Association, Vol. VIII, No. 6. Ithaca, N. Y., 1893.

The crudest as well as the most vociferous campaigners on the tariff, in their historical moods rarely get back of the Civil War; or, if they

do, it is only to draw lurid illustrations from the bungling practices of those backward times. Until recently even our historians have thought there was scarcely anything worth taking account of before 1816, and such investigation as has been made has been generally with a view to bolster up some pre-conceived theory. And so we have been confined, on the one hand, to such grotesquely absurd presentations as R. W. Thompson's "Tariff History of the United States," and on the other, to partisan twistings like Sumner's "History of Protection." Even the admirable work of Professor Taussig has no adequate background. The earlier part of the book—the essay on Protection to Young Industries—is a fairly good introduction to the detailed study which follows; but it gets no hold on the beginnings of our tariff history. At last, however, the subject is being vigorously taken hold of, and following Mr. Beer's monograph on the Colonial Policy of England, we have an equally painstaking and unpartisan account of Colonial and Confederation tariffs and of the first legislation under the Constitution.

The most interesting chapter, as it breaks newest ground, is that on the tariff legislation of the several States before 1789. As bearing on American policy the tariff acts before 1775 are of slight importance. They exhibit the attempts of colonial assemblies, undisturbed by conflicting theories, to realize a revenue upon imports by a mild and intermittent application of mercantile principles. In the Confederation period we have a most interesting phenomenon. The criticism of the mercantile system which culminated in the "Wealth of Nations" was the philosophical justification of the American revolt. Eighteenth century philosophy of inalienable rights and individual liberty implied as a corollary the freedom of commerce. With the single exception of Hamilton, all the prominent American statesmen of the period fell in with this view. The lingering effects of non-importation agreements, war, and the harsh treatment of England, cut off foreign trade, and for the time made tariffs useless. When the war was over our representatives abroad strenuously sought reciprocity, and the States made no haste to re-enact protective laws. The revulsion of feeling which succeeded the rejection of reciprocity, the tightening of England's restrictive policy, the depression of American manufactures, and the exportation of specie, is well brought out by Mr. Hill; but especially has he traced this reaction in the legislation of the various States.

Even so careful a writer as Professor H. C. Adams has stated that in 1789 "Protection was regarded by all as but an incident to the securing of revenue," and that in Hamilton's report on manufactures there was a "total subordination of the industrial to the political problem." Mr. Hill shows clearly that the failure of impost acts

under the Confederation was not due to opposition to restrictive legislation, but to State jealousy of Congress. But more than this he is able to show a rising feeling for restrictive and protective legislation within the States which went far beyond the act of 1789, and which even did not stop short of prohibition. Massachusetts and Pennsylvania were the most advanced in this respect, and Mr. Hill has supplemented a detailed examination of the tariff acts of these States by extracts from contemporary newspapers, resolutions and statutes. The conclusion is that the act of 1789 was but the logical transference of the policy of protection from the various States to the general government.

The examination of the Tariff Act of 1789 is equally exhaustive, but it seems to me that in spite of the logical nature of its protective features, these have been unduly emphasized. The backsliding had been general, but the reply of the Boston merchants in 1785 refusing to bind themselves to refrain from importing competing wares (p. 73), reveals a mainly silent but powerful force working against a diminution of foreign trade. The merchants were a strong force and had to be reckoned with in 1789, and within certain limits they were able to confine tariff legislation. "In the House," Mr. Hill declares, "no voice was raised against the principle of protection." There was, indeed, no hot partisan like Butler, but Madison and Tucker drew freely on Adam Smith, and only supported the bill, especially Madison, because there were exceptions to all general rules. Mr. Hill also insists (pp. 110, 111), that the two systems—a temporary measure for revenue, and a comprehensive measure for protection—came squarely face to face, and Congress deliberately decided for the latter. Madison, however, had no thought of bringing the two systems to a test, and his introduction of the measure of 1783 was merely in the hope that something might be agreed upon in time to catch the spring importations. Fitzsimons' substitution of the Pennsylvania tariff indicated, what Madison knew very well, that the measure of 1783 was outgrown; and when it became apparent that the delay in the organization of the government would prevent immediate action there was no recurrence to this scheme. How little was involved in some of the severe struggles may be seen by referring to steel. Tucker, who opposed most vigorously the proposed duty of sixty-six cents per hundredweight, announced himself willing to accept a revenue rate of five per cent. A compromise rate of fifty-six cents was agreed upon which, as Hamilton pointed out the next year, was less than five per cent ad valorem. Protection was certainly prominent and un concealed in the tariff act of 1789, but it does not seem to have been the most important consideration, and on the national field it shows that

the practical considerations of commerce as well as the theoretical principles of the *laissez-faire* economy were reasserting themselves.

There is an error on page 123 in the statement of tonnage duties. There was no discrimination between nations in treaty and not in treaty relations, such provision having been stricken out of the bill by the Senate. The reference at the bottom of this same page is apparently a misprint.

It is to be hoped that Mr. Hill's study will be continued and made to include other stages in the American policy.

O. L. ELLIOTT.

Ethics of Citizenship. By JOHN MACCUNN, M. A. Pp. 223. Price, \$1.50. London and New York: Macmillan & Co., 1894.

At last there has been given us a discussion of the ethics of citizenship at once so clear, so succinct and so candid as to be of almost universal interest and usefulness. In a style terse but never heavy, the writer has presented in the space of 200 pages a logical and invigorating analysis of such vital topics as these: "The Equality of Men," "Fraternity," "The Rights of Man," "Citizenship," "A Plea for the Rule of the Majority," "The Tyranny of the Majority," "Party and Political Consistency," "Elements of Political Consistency," "Democracy and Character," "Some Economic and Moral Aspects of Luxury."

In agreement with Bentham, the writer attacks the eighteenth century Radicals' "Rights of Man," and emphasizes the distinction between so-called "rights" that are simply strong inclinations, and the real rights that admit of proof. Yet Bentham himself takes narrow if not untenable ground in limiting rights to only those advantages which have been legally enacted. "A right whose enactment is only deferred is not a right non-existent." After all, it is an empty phase of Democracy that dwells exclusively upon its rights. Not the wresting of rights should be the goal of citizenship, but the filling of life with those great positive ends for which the rights are merely preliminaries.

With advancing Democracy, majority rule seems the inevitable law of the future, a prospect which fills the Radical with hope, the Conservative with the gloomiest forebodings. Mr. MacCunn has little difficulty in laying bare the fallacy in the argument by which Bentham and the elder Mill justified the rule of the majority. Even granted that the aim of politics is to promote the happiness of the greatest number, and that each man will follow his own best interest as he sees it, does it follow that each man will see his own best interest aright?